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January 26, 2000

Ms. Jennifer Chan
Remedial Project Manager (3HS23)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

RE: 68th Street Dump Site

Dear Ms. Chan:

This office represents Pulaski and 68th Street, L.L.C. (the "Company"), the current owners of the 68th Street site. We have been involved in the previous studies and investigations concerning the subject site and, in the past, have provided our advices to EPA with respect to the appropriateness of listing the site under the N.P.L.. See Letter of Rich and Henderson, P.C. dated December 13, 1995 to Michael Giuranna.

In the past, we have counseled our client to cooperate fully with the investigative efforts of EPA and to that end, the Company has expended significant funds with HSI GeoTrans to co-ordinate with your staff and consultants. We attach an EPA reference schedule which includes the number of visits and investigations of the subject site up to and through 1994. Since that time, there have been numerous other visits and investigations by both the State and EPA.

Your letter does not define a reason why sampling is proposed again, nor does it explain how three days can be consumed by inspecting a limited area. EPA must have a record identifying previous sampling points and it would make sense to adhere to the protocol EPA previously established after extended investigation.

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Finally, we are confused by the timing and urgency of this request. The site was submitted for N.P.L. review more than two years ago; to date it has not been listed. Is there a need to obtain additional data because the site just doesn't qualify? We would appreciate a full and complete disclosure regarding the possible N.P.L. listing, the status of this site as well as a response to the issues raised above. We are familiar with the 104 requirements and, in the past, the Company has extended every courtesy to EPA in an effort to comply; however, we do not believe this authority supports unlimited investigations at the whim of the agency.

We are hopeful you can provide the type of status report requested above to provide a basis for continued cooperation.

Yours very truly,

Warren K. Rich

Warren K. Rich

WKR:rw

cc: Kenneth R. Binnix ✓

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8.0 References

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